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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,327	02/19/2004	Melbourne F. Giberson	TRI 8300D2	5403
1688	7590	04/20/2005	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			LESLIE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/782,327

Applicant(s)

GIBERSON ET AL.

Examiner

Michael Leslie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/5/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seibold (2067793) in view of Applicant's prior art admission.

Seibold discloses a fluid coupling (41) driven by a prime mover (45), a power train connected to the fluid coupling, the coupling having an impeller (41a) and a runner (41b) fastened to an output shaft (47), a flange (not numbered) at the bottom of the coupling, a reservoir (48) that is remotely mounted at a level below the flange, having a conduit (11 in Fig. 1) connecting the flange at the bottom of the fluid coupling with the reservoir, and a pump (49) with an inlet communicating with and positioned below the level of oil in the reservoir, wherein the pump is directly driven by an electric motor (52). Seibold does not teach that the assembly includes a rotating comminuting machine connected to the fluid coupling via the power train.

An assembly including a fluid coupling, a prime mover for driving the fluid coupling, a rotating comminuting machine, a power train between the fluid coupling and the rotating comminuting machine, the fluid coupling having an impeller and a runner, the runner being fastened to an output shaft, and a flange at the bottom of the fluid coupling is, by Applicant's admission, known in the art.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Seibold to include a rotating comminuting machine connected to the fluid coupling via the power train as taught by Applicant's prior art admission for the purpose of driving the rotating comminuting machine.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seibold in view of Applicant's prior art admission as applied to claim 1 above, and further in view of Bauer et al (1868129).

Seibold as modified discloses an assembly as described above with respect to claim 1, including an electric motor driving the pump, but does not teach that the pump is driven by a hydraulic motor.

Bauer et al teach an assembly having a fluid coupling (L, K), driven by a prime mover, connected to an output via a power train, a reservoir (13) remotely connected to the coupling, and a pump (15), driven by a hydraulic motor (6), with an inlet communicating with and positioned below the level of oil in the reservoir.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Seibold as modified, with respect to claim 1, by having the pump driven by a hydraulic motor as taught by Bauer et al for the purpose of supplying oil to the fluid coupling.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 3055169, 2341624, 2194949, and 1855032 each disclose an assembly

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having a fluid coupling driven by a prime mover and a reservoir remotely connected to the coupling connected to a pump.


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
April 14, 2005


Michael Leslie
Patent Examiner
AU 3745


EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
4/16/05